BILL NO. Z-86-07-22

ZONING MAP ORDINANCE NO. Z-10-86

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot 3 in John Riedel's Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 3, Page 15,

and the symbols of the City of Fort Wayne Zoning Map No. N-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval.

_____
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eisbart, seconded by Henry, and duly adopted, read the second ti by title and referred to the Committee Regulations (and the C Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wa Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,

DATE: 7-22-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on it passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8	____	____	1	____
BRADBURY	____	____	____	____	____
BURNS	✓	____	____	____	____
EISBART	✓	____	____	____	____
GiaQUINTA	✓	____	____	____	____
HENRY	✓	____	____	____	____
REDD	✓	____	____	____	____
SCHMIDT	✓	____	____	____	____
STIER	✓	____	____	____	____
TALARICO	✓	____	____	____	____

DATE: 8-12-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE ~~(RESOLUTION)~~ NO. 3-10-86 on the 12th day of August, 1986

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 13th day of August, 1986 at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August 1986, at the hour of 10 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

Ck# 14135/14136

№ 1097

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., June 11 1980

RECEIVED FROM Snouffer, Haller & Colvin $ 100.00

THE SUM OF One Hundred Dollars 00/100 DOLLARS

ON ACCOUNT OF B.Z.A. Application / Rezoning Application for 500 Coliseum (Kelley Chevrolet)

Gary Baeten

AUTHORIZED SIGNATURE

FACT SHEET

Z-86-07-22
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From R2 to B-3-B		

DETAILS

Specific Location and/or Address

500 Block of Forest Avenue

Reason for Project

To construct a paint facility for Kelley Chevrolet.

Discussion (Including relationship to other Council actions)

21 July 1986 - Public Hearing

Robert Haller, attorney for the petitioners stated that Kelley Chevrolet wishes to rezone this property in order to contruct an auto paint facility. He stated that if the change is granted there will be no visible change to the outside. He stated this portion of land is part of the Kelley complex. He stated it is presently entirely fenced. He stated that they have a natural buffer to the east of a 12 foot alley, they have a public park to the south. He stated that while the petitioner wishes to maintain the present fencing for security reasons, they are willing and able to plant a 6 foot high buffer area between this use and the surrounding area.

Herman Strauss, architect, stated that the building they intend to build, if rezoned, will house a very highly sophiscated paint facility. He stated it will consist of two (2) booths imported from Italy. He stated that the booths are self-contained, the omission from them is practically zero. He stated that they run by air that is

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** James Kelley **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

sucked in through the bottom of the paint booths. He stated they also have a water floor in part of the building where dust is taken out of the air.

Ray Racine, with the Northside Neighborhood Association stated he was not opposed to the rezoning but simply wanted to question if there would be any fumes coming from the proposed structure.

Mr. Haller stated there would be no fumes from the paint facility.

Mr. Racine questioned if they would be using Forest Avenue for ingress and egress.

Mr. Haller stated that there is a gate there but it is not used.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

28 July 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight (8) members present seven voted in favor of approval one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 11 June 1986

Projected Completion or Occupancy **Date** 30 July 1986

Fact Sheet Prepared by **Date** 30 July 1986

Patricia Biancaniello

Reviewed by **Date** 30 July 1986

Larry Barton

Reference or Case Number

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

RECEIVED
JUN 11 1986
FORT WAYNE CITY PLANNING COMMISSION

DATE FILED _____

INTENDED USE Auto Body Paint Shop

I/We JAMES E. KELLEY
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R2 District to a/an B 3 B District the property described as follows:

Lot 3 in John Riedel's Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 3, page 15.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

no street address, approximate 500 Forest Avenue, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

James E. Kelley	500 E. State Street Fort Wayne, IN 46805	James E. Kelley
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Vincent J. Heiny	2000 Fort Wayne Bank Bldg. Fort Wayne, IN 46802	(219) 424-2000
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearir approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lot 3 in John Riedel's Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 3, page 15.

Owners of Property

(Name)	(Address)	(Signature)
James E. Kelley	500 E. State Blvd. Fort Wayne, IN 46805	484-5566

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 22, 1986 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-07-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 21, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held July 28, 1986.

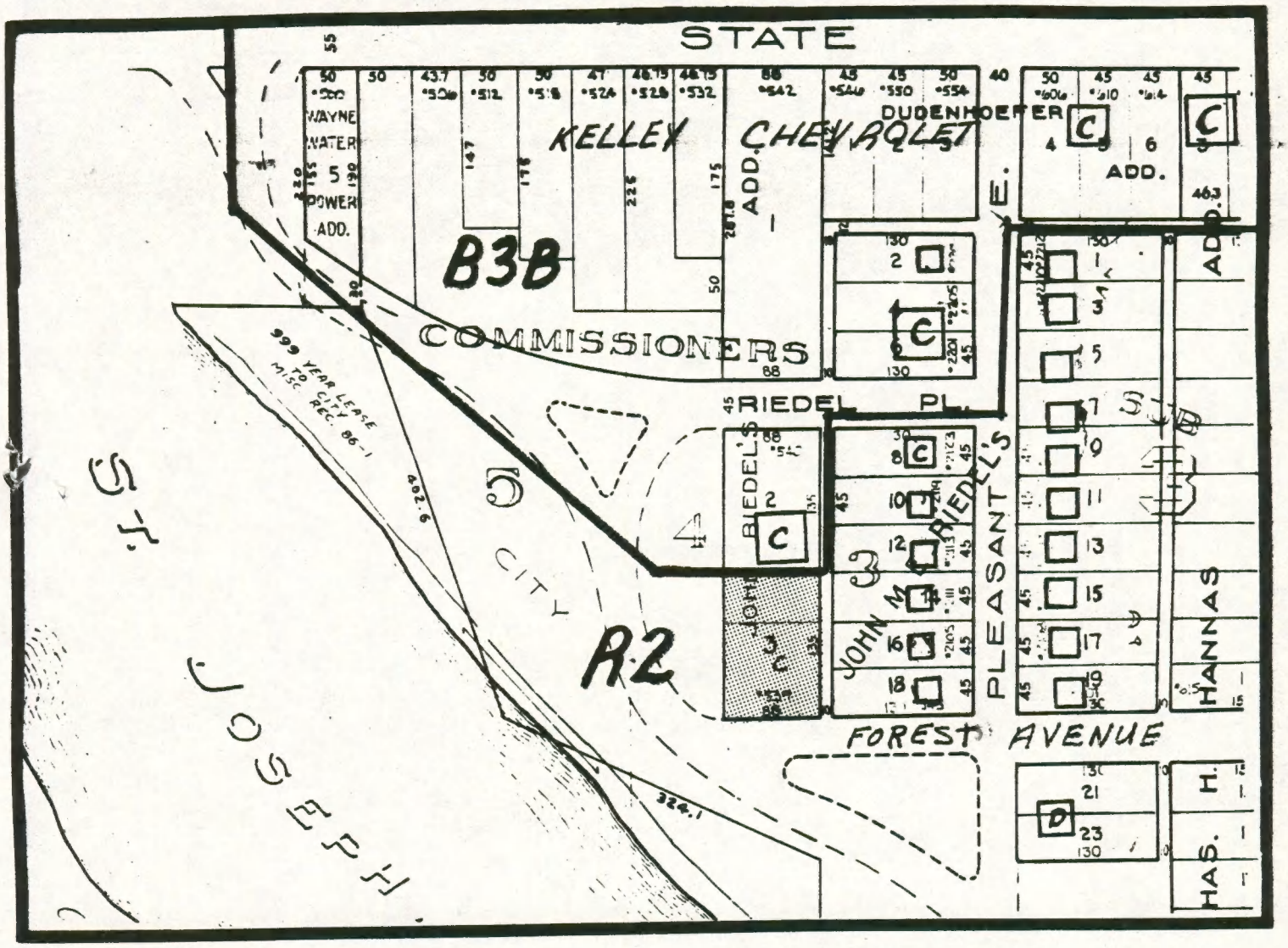
Certified and signed this
30th day of July 1986.

Melvin O. Smith
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FAOM AN R-2 DISTRICT TO A B-3-B DISTRICT.

MAP NO. N-14

COUNCILMANIC DISTRICT NO. 3



ZONING:

B3B GENERAL BUSINESS 'B'

R2 RESIDENTIAL DISTRICT

LAND USE:

- ☐ SINGLE FAMILY
- ⊡ DUPLEX
- ⊡ COMMERCIAL

N

SCALE: 1"=200'

DATE: 7-1-86

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ . DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P 3-86-07-22

SYNOPSIS OF ORDINANCE 500 Block of Forest Avenue

EFFECT OF PASSAGE Property is presently zoned R-2 - Two Family Residential.
Property will become B3B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-86-07-22

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. N-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES		NO
_____	BEN A. EISBART CHAIRMAN	_____
Janet G Bradbury	JANET G. BRADBURY VICE CHAIRWOMAN	_____
_____	DONALD J. SCHMIDT	_____
Thomas C. Henry	THOMAS C. HENRY	_____
Charles B. Redd	CHARLES B. REDD	_____

CONCURRED IN 8-12-86

SANDRA E. KENNEDY
CITY CLERK